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JUN 6 2002

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.
501 School Street, SW
Suite 725
Washington, DC 20024

Plaintiff,

v.

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza
Room 8800
Washington, DC 20260-1100

Defendant.

CASE NUMBER 1:02CV01101

JUDGE: Henry H. Kennedy

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 06/06/2002

ECF

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiff, Judicial Watch Inc., hereby files this complaint for compliance with the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA") As grounds therefore, Plaintiff respectfully alleges as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1346(a)(2) (United States as defendant) and 5 U.S.C. § 552(a)(4)(B) (FOIA).
2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Judicial Watch Inc., is a public interest law firm with its principle place of business at 501 School Street, SW, Washington DC, 20024.
4. Defendant United States Postal Service ("USPS") is an agency and entity of the

United States Government. Defendant USPS has its principal place of business in the District of Columbia. Defendant USPS has possession of the documents to which Plaintiff seeks access.

STATEMENT OF FACTS

5. Plaintiff filed with USPS on October 25, 2001 *via* facsimile and certified mail, a FOIA request (*See* Exhibit 1) in the form of a letter to Defendant USPS's FOIA officer, requesting access to certain records under the FOIA. Access was requested to "any and all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, video recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things, that refer or relate to the following in any way:

- a. The process for identification of postal workers infected and/or exposed to anthrax
- b. The decision to conduct tests at the Brentwood USPS facility.
- c. The decision to quarantine portions of the Brentwood USPS facility.
- d. The decision to test other USPS facilities for anthrax contamination.
- e. The decision to suspend mail delivery to zip codes 20007, 20005, 20004.
- f. The decision to keep the Brentwood USPS facility open.
- g. The decision to test Brentwood USPS facility employees for anthrax.

6. On January 22, 2002, Defendant USPS responded to Plaintiff's request. (Exhibit 2). Defendant's January 22, 2002 response turned over some, but not all of the documents requested by Plaintiff.

7. On February 22, 2002, Plaintiff filed an administrative appeal of Defendant's January 22, 2002 response, with the General Counsel of Defendant USPS. (Exhibit 3).

8. As of June 6, 2002, Plaintiff has not received a response to its February 22, 2002 administrative appeal.

COUNT I

(Violation of the Freedom of Information Act)

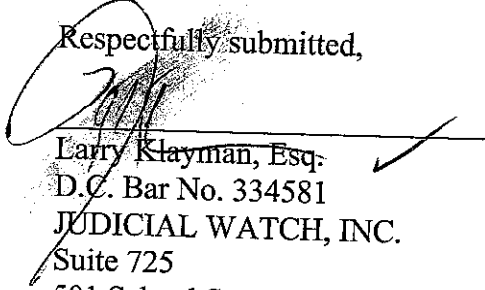
9. Plaintiff realleges paragraphs 1 through 8 as if fully set forth herein.

10. Pursuant to 5 U.S.C. § 552 (a)(6)(B)(i-iii), and 5 U.S.C. § 552 (a)(6)(C), Plaintiff shall be deemed to have exhausted its administrative remedies with respect to its FOIA request to Defendant USPS.

11. Pursuant to 5 U.S.C. § 552(a)(3), Plaintiff has a right of access to all of the documents requested in its FOIA request, and Defendant has no legal basis for refusing to disclose all of these documents to Plaintiff, which has not occurred to date.

WHEREFORE, Plaintiff demands: (1) declare that Defendant's refusal to disclose the documents requested by Plaintiff is unlawful; (2) order Defendant to make the requested documents available to Plaintiff; (3) grant Plaintiff's request for a fee waiver; (4) award Plaintiff its cost and reasonable attorney's fees in this action; and (5) grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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